

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

THERESA EVANS,

Plaintiff,

vs.

MARTIN O'MALLEY,
Commissioner of Social Security,

Defendant.

Case No. 3:23-cv-00276-RRB

**JUDGMENT AND
ORDER OF REMAND**

Upon due consideration of the Stipulated Motion for Remand, filed at Docket 10, the motion is GRANTED.

IT IS HEREBY ORDERED that the Commissioner's final decision is REVERSED and REMANDED for further administrative proceedings before an Administrative Law Judge ("ALJ"). The ALJ will further develop the record, as appropriate, offer Plaintiff the opportunity for a new hearing, and issue a new decision. The ALJ will reevaluate the evidence, particularly the opinion from Rachel Markovich, ARNP, and reevaluate Plaintiff's statements and the step-five finding, as necessary.

IT IS FURTHER ORDERED that pending motions, if any, are DENIED, and pending deadlines and filing requirements, if any, are VACATED.

Remand is made under sentence four of 42 U.S.C. § 405(g). *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991). Plaintiff will be entitled to reasonable attorney fees and expenses pursuant to 28 U.S.C. § 2412(d), upon proper request to this Court. Plaintiff will be entitled to costs as enumerated in 28 U.S.C. § 1920, under 28 U.S.C. § 2412(a). Judgment shall be entered for Plaintiff.

IT IS SO ORDERED this 2nd day of April, 2024, at Anchorage, Alaska.

/s/ Ralph R. Beistline
RALPH R. BEISTLINE
Senior United States District Judge